

**SENATE JOURNAL
66TH LEGISLATURE
ELEVENTH LEGISLATIVE DAY**

Helena, Montana
January 21, 2019

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Sands. Pledge of Allegiance to the Flag.

Roll Call. Forty-six members present. Senators Fielder, Gross, Howard, and Sesso, excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair):

1/21/2019

Correctly printed: **SB 25, SB 26, SB 51, SB 56, SB 57, SB 67, SB 75, SB 88, SB 131, SB 132, SB 133, SB 134, SB 138, SB 141, SB 142, SB 143, SB 144, SB 145, SB 146, SR 2, SR 3, HB 1.**

Transmitted to the House: **SB 39, SB 43.**

COMMUNICATIONS AND PETITIONS

January 17, 2019

TO: Marilyn Miller, Secretary of the Senate

FROM: Beth McLaughlin, Court Administrator

RE: Confirmation of Associate Water Judge

On January 3, 2019, pursuant to 3-7-221, MCA, Chief Justice Mike McGrath appointed Stephen R. Brown to the position of Associate Water Court Judge. He was appointed to complete the term of office left by Judge Douglas Ritter's retirement. Pursuant to 3-1-1013, MCA, Senate confirmation is required.

Attached are the order appointing Mr. Brown, his application before the Judicial Nomination Commission and the index of public comment submitted to the Judicial Nomination Commission.

Judge Brown will be prepared to appear as necessary for his confirmation hearing. Please let me know should you need additional information.

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES (Welborn, Chair):

1/18/2019

SB 41, do pass.

SB 47, do pass.

Without objection, committee reports were adopted.

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MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

1/18/2019

HB 63, introduced by R. Shaw

HB 101, introduced by C. Knudsen

HB 104, introduced by D. Loge

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 147, introduced by M. MacDonald, G. Custer, F. Fleming, J. Gross, J. Karjala, K. Kelker, E. Kerr-Carpenter, E. McClafferty, M. McNally, A. Olsen, R. Peppers, T. Richmond, D. Sands, J. Small, B. Smith, S. Stewart Peregoy, P. Webb, D. Zolnikov, referred to Judiciary.

SB 148, introduced by B. Bennett, G. Custer, S. Fitzpatrick, F. Garner, T. Jacobson, D. Zolnikov, referred to State Administration.

SB 149, introduced by B. Bennett, G. Custer, T. Jacobson, referred to State Administration.

SB 150, introduced by B. Bennett, referred to State Administration.

SB 151, introduced by S. Fitzpatrick, referred to Natural Resources.

SB 152, introduced by D. Barrett, F. Anderson, B. Bennett, M. Caferro, J. Cohenour, W. Curdy, J. Ellis, S. Fitzpatrick, T. Gauthier, J. Gross, B. Grubbs, T. Jacobson, J. Karjala, J. Keane, C. Keogh, M. MacDonald, M. Marler, M. McNally, S. Morigeau, J. Pomnichowski, T. Richmond, M. Ryan, D. Salomon, C. Schreiner, J. Sesso, J. Small, M. Sweeney, T. Welch, referred to Taxation.

SB 153, introduced by J. Esp, R. Osmundson, referred to State Administration.

SB 154, introduced by S. Sales, S. Malek, J. Sesso, referred to State Administration.

SB 155, introduced by R. Webb, referred to Judiciary.

SB 156, introduced by R. Webb, referred to Judiciary.

SB 157, introduced by A. Olszewski, referred to Business, Labor, and Economic Affairs.

The following Senate joint resolutions, previously introduced, were referred to committees:

SJ 4, introduced by J. Sesso, referred to Natural Resources.

SJ 5, introduced by S. Malek, referred to Natural Resources.

The following House bills were introduced, read first time, and referred to committees:

HB 63, introduced by R. Shaw (by request of the Department of Agriculture), referred to Agriculture, Livestock and Irrigation.

HB 101, introduced by C. Knudsen (by request of the Department of Livestock), referred to Agriculture, Livestock and Irrigation.

HB 104, introduced by D. Loge (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.

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**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Phillips in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 11 - Senator Salomon moved **SB 11** do pass. Motion carried as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber.
Total 37

Nays: Ankney, Brown, Cuffe, Esp, Hinebauch, Olszewski, Smith C, Vance, Welborn.
Total 9

Paired: None.

Excused: Fielder, Gross, Howard, Sesso.
Total 4

Absent or not voting: None.
Total 0

SB 16 - Senator Salomon moved **SB 16** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Gross, Howard, Sesso.
Total 4

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Absent or not voting: None.

Total 0

SB 28 - Senator Richmond moved consideration of **SB 28** be placed at the bottom of the second reading board. Without objection, so ordered.

SB 34 - Senator Flowers moved **SB 34** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Webb, Webber, Welborn.

Total 41

Nays: Brown, Esp, Hinebauch, Vance.

Total 4

Paired: None.

Excused: Fielder, Gross, Howard, Sesso.

Total 4

Absent or not voting: Vuckovich.

Total 1

SB 46 - Senator Cohenour moved **SB 46** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Ellsworth, Flowers, Gauthier, Gillespie, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Small, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn.

Total 31

Nays: Blasdel, Brown, Cuffe, Esp, Fitzpatrick, Hinebauch, Kary, Keenan, Lang, Mr President, Olszewski, Regier, Smith C, Vance, Webb.

Total 15

Paired: None.

Excused: Fielder, Gross, Howard, Sesso.

Total 4

Absent or not voting: None.

Total 0

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SB 5 - Senator Sands moved **SB 5** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Gross, Howard, Sesso.
Total 4

Absent or not voting: None.
Total 0

SB 64 - Senator Sands moved **SB 64** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 45

Nays: Esp, Hinebauch, Vance.
Total 3

Paired: Gross, Sesso, Aye; Esp, Vance, No.

Excused: Fielder, Howard.
Total 2

Absent or not voting: None.
Total 0

SB 82 - Senator Fitzpatrick moved **SB 82** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson,

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Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 45

Nays: Brown, Hinebauch, Vance.
Total 3

Paired: Gross, Sesso, Aye; Hinebauch, Vance, No.

Excused: Fielder, Howard.
Total 2

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Phillips moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Gross, Howard, Sesso.
Total 4

Absent or not voting: None.
Total 0

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THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 26 passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Jacobson, Kary, Lang, MacDonald, McConnell, McNally, Mr President, Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 34

Nays: Barrett, Bennett, Boland, Cohenour, Cuffe, Esp, Keenan, Malek, McClafferty, Olszewski, Pomnichowski, Sands.

Total 12

Paired: None.

Excused: Fielder, Gross, Howard, Sesso.

Total 4

Absent or not voting: None.

Total 0

SB 88 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 46

Nays: None.

Total 0

Paired: None.

Excused: Fielder, Gross, Howard, Sesso.

Total 4

Absent or not voting: None.

Total 0

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UNFINISHED BUSINESS

Mr. President, I move that the following undersigned name be **ADDED** as sponsor to **SB 144**.

SB 144 (T. Jacobson, Chief Sponsor)
Senator Ellsworth.

Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senator Fitzpatrick introduced the Pages for the coming week:

Athena Haka from Broadview, sponsored by Senator Webb
Jack Kuney from Helena, sponsored by Senator Sales
Hannah Osmundson from Buffalo, sponsored by Senator Osmundson

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Tuesday, January 22, 2019, the twelfth legislative day. Motion carried.

Senate adjourned at 1:35 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate